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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/898,321	•	07/02/2001	Robert A. Street	A0682	A0682 4769	
28014	7590	07/25/2003				
•		N & HARMS, LLI	EXAMINER			
2099 GATE SUITE 320	WAYPL	ACE		BROCK II, PAUL E		
SAN JOSE,	CA 9511	10		ART UNIT	ART UNIT PAPER NUMBER	
				2815		
				DATE MAILED: 07/25/2003	DATE MAILED: 07/25/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Advisory Action	<u> </u>			
Examiner Paul E Brock II 2015 The MAILING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILED 20 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filed damendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee; or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b)] a) The period for reply expires 3 months from the mailing date of the final rejection. b) The period for reply expires 3 months from the mailing date of the final rejection. Whichever is later. In no evert, however, with the statutory period for reply expires that the SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRAL REJECTION. See MPEP DESTRUCTION of the major that the statutor period for reply expires the final rejection on the corresponding amount of the fee. The appropriate extension fee unds 37 CFR 1.176(4) the expiration and of extension and the corresponding amount of the fee. The appropriate extension fee unds 37 CFR 1.176(4) the expiration and of the shortened adultation prior for reply originally set in the final freigetion, or 20 as set forth (1) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any amount proposed amendment(s) will not be entered because: (a) The proposed amendment(s) will not be entered because: (b) The proposed amendment(s) will not be entered because: (c) The yraise new issues that would require further consideration and/or search (see NOTE below); (d) They raise the issue of new matter (see Note below); (e) They are not d		Application No.		9
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8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.		/		niner.
9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s).	9. Note the attached Information Disclosure Statem	nent(s)(PTO-1449)	[)
10. Other:	10. Other:			
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Continuation of 5. does NOT place the application in condition for allowance because: The applicant's argument that "utilizing the teachings of Ahn would require replacing Kingsley's dielectric layer with photoresist," it should be noted that the method of forming Ahn is not under consideration in this device claim. The final structure of Ahn using air-gaps is being used in combination with the structure of Kingsley. The method of arriving at that structure is not being combined or used in the rejection. The method is independent of the structure. With further regard to the applicant's argument that "Kingsley teaches that this dielectric is also located between gate structures 139 and corresponding scan lines 131/gate structures 138," it should be noted that Kingsley expressly states "typically the same dielectric." This is an open statement leaving the non-typical case that uses a different dielectric. Therefore the applicant's arguments are not persuasive and the rejection is proper.